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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

047092.00073

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Application Number:

10/776,513

Filed: February 12, 2004

First Named Inventor:

Kalle TAMMI et al.

Art Unit: 2456

Examiner: Tariq S. NAJEE-ULLAH

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the


Signature

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under
37 CFR 3.73(b) is enclosed (Form PTO/SB/96)

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Registration Number if acting under 37 CFR 1.34 _____

January 5, 2009

Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- ☒ *Total of 1 form is submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kalle TAMMI et al.

Art Unit: 2456

Application No.: 10/776,513

Examiner: Tariq S. NAJEE-ULLAH

Filed: February 12, 2004

Attorney Dkt. No.: 047092.00073

For: METHOD AND SYSTEM FOR DEACTIVATING A SERVICE ACCOUNT

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 5, 2009

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-6 and 8-36 in the above identified application. Claims 1-6 and 8-36 were finally rejected in the Office Action dated September 3, 2008. Applicants filed a Response to the Final Office Action on December 1, 2008, and the Office issued an Advisory Action dated December 17, 2008 maintaining the final rejections of claims 1-6 and 8-36. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review.

The Office Action rejected claims 1-6 and 8-36 under 35 U.S.C. § 103(a) as being allegedly unpatentable over "3rd Generation Partnership Project; Technical Specification Group Services and System Aspects; IP Multimedia Services (IMS); Stage 2 (Release 5)" 3GPP TS 23.228 V6.0.0, January 2003 ("3GPP"), in view of U.S. Publication No. 2002/0194336 ("Kett"). Applicants submit that there is clear error due to the fact that the Final Office Action has failed to establish a prima facie case that independent claims 1, 8, 11, 15-17, 20, 25, 27, 30, 32, and 34-36, upon which claims 2-6, 9-10, 12-14, 18-19, 21-24, 26, 28-29, 31, and 33 are dependent, are obvious, because 3GPP and Kett, whether considered individually or in combination, fail to

disclose, or suggest, at least one element of independent claims 1, 8, 11, 15-17, 20, 25, 27, 30, 32, and 34-36.

Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by 3GPP and Kett, whether considered individually or in combination, and that, therefore, the final rejections are clearly improper and without basis. Specifically, the combination of 3GPP and Kett fails to disclose, or suggest, at least, “*forwarding a request for de-registration from said application server via a direct interface to a registration server,*” as recited in independent claim 1, and similarly recited in independent claims 8, 20, 32, and 34-36; “*forwarding a request for barring from said application server via a direct interface to a registration server,*” as recited in independent claim 11, and similarly recited in independent claims 16, 17, and 27; “*receiving from said application server via a direct interface a request for de-registration at a registration server,*” as recited in independent claim 25; and “*receiving from said application server via a direct interface a request for barring to a registration server,*” as recited in independent claim 30.

The Final Office Action correctly concluded that 3GPP fails to disclose or suggest the aforementioned elements of the independent claims, as 3GPP fails to disclose, or suggest, forwarding a request for de-registration from an application server to a registration server via a direct interface. (see Final Office Action at pages 4, 7, and 9). Thus, there is no dispute that 3GPP fails to disclose, or suggest, at least, the aforementioned elements of the independent claims.

Furthermore, Kett does not cure the deficiencies of 3GPP, as Kett also fails to disclose, or suggest the aforementioned elements of the independent claims. The Advisory Action took the position that Kett is relied upon to teach the element of the claim “*via a direct interface.*” However, independent claim 1 clearly recites “*forwarding a request for de-registration from said application server via a direct interface to a registration server,*” and the other independent claims recite similar limitations. Thus, the plain language of the claims indicates that the direct interface is between the application server and the registration server. As will be discussed in more detail below, Kett fails to disclose, or suggest, a direct interface between an application server and a registration server.

Kett generally discloses a registration server implementing an application programming interface (API) which authenticates services and provides discover of network resources, prior to registering services with selected network resources. Specifically, with respect to Figure 4, Kett discloses the interfaces between components of the network implementing the Parlay interface. The interface is object-oriented and is implemented using service interfaces and framework interfaces. The service interfaces of application provide access to the capabilities of the network. The framework interfaces provide a surround for the service interfaces and implements processes of authentication, discovery, and registration. There is a direct interface 4.2 between client applications and Parlay services. The direct interface is only accessed after an application has signed-on via the framework interface 4.1. (See Kett at Abstract and paragraph 0030).

Applicants respectfully submit that the portion of Kett cited by the Office Action does not teach a direct interface between an application server and a registration server. Instead, as discussed above, the cited portion of Kett discloses an interface between client applications and Parlay services, i.e. direct interface 4.2. Kett further discloses that the interface is normally accessed after an application has signed-on via the framework interface 4.1, which provides a surround for the service interface. (See Kett at paragraph 0030). The framework FW resides on the registration server 5, while the client applications and client FW run on the service provider platforms 4a, 4b. (See Kett at paragraph 0031). Thus, Kett fails to disclose, or suggest, a direct interface between an application server and a registration server.

Furthermore, Applicants respectfully disagree with the Final Office Action's statement that one of ordinary skill in the art would be motivated to combine the references of 3GPP and Kett to arrive at the claimed invention to improve the function and performance of API implementation in a communication network. Applicants respectfully submit that this stated motivation fails to take into account the substantial differences between Kett and the claimed invention. For example, Kett teaches a registration procedure, rather than a de-registration procedure, and Kett also teaches an API implementation. Thus, the stated motivation would lead to an API implementation in the registration procedure of the 3GPP configuration, and not to a direct interface between an application server and a registration server.

Applicants further submit there is no motivation or suggestion in 3GPP which would allow a person of ordinary skill in the art to use the teaching of a registration procedure based on

an API implementation, such as disclosed in Kett, in order to provide the de-registration or barring procedure of the claimed invention. Likewise, there is no motivation or suggestion in Kett which would allow a person of ordinary skill in the art to use the teaching of a de-registration procedure without API implementation, such as disclosed in 3GPP, in order to provide the de-registration or barring procedure of the claimed invention.

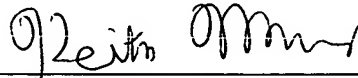
In view of the above, Applicants respectfully assert that 3GPP and Kett, whether considered individually or in combination, do not disclose, teach, or suggest all of the limitations of independent claims 1, 8, 11, 15-17, 20, 25, 27, 30, 32, and 34-36, and that, therefore, the final rejection is improper and without basis. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the § 103(a) rejection.

Applicants submit that claims 2-6 depend upon independent claim 1, claims 9-10 depend upon independent claim 8, claims 12-14 and 18 depend upon independent claim 11, claim 19 depends upon independent claim 15, claims 21-24 depend upon independent claim 20, claim 26 depends upon independent claim 25, claims 28-29 depend upon independent claim 27, claim 31 depends upon independent claim 30, and claim 33 depends upon independent claim 32. Thus, claims 2-6, 9-10, 12-14, 18-19, 21-24, 26, 28-29, 31, and 33 should be found allowable for at least their dependence upon independent claims 1, 8, 11, 15-17, 20, 25, 27, 30, 32, and 34-36, respectively, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by 3GPP and Kett, and that, therefore, the final rejections are clearly improper and without basis. It is therefore respectfully requested that all of claims 1-6 and 8-36 be allowed, and this application passed to issue.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: PTO/SB/33 Form
Notice of Appeal
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